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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Domel ) Art Unit: 3634  
Serial No.: 10/062,655 )  
Filed: February 1, 2002 ) Examiner: Johnson  
For: **OPERATING SIGNAL SYSTEM AND METHOD** ) 1006.023  
FOR CONTROLLING A MOTORIZED WINDOW ) September 15, 2003  
COVERING ) 750 B STREET, Suite 3120  
 ) San Diego, CA 92101  
)

APPEAL BRIEF

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

This appeal brief is submitted under 35 U.S.C. §134. This appeal is further to Appellant's Notice of Appeal filed herewith.

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**(1) Real Party in Interest**

The real party in interest is the assignee.

**(2) Related Appeals/Interferences**

No other appeals or interferences exist which relate to the present application or appeal.

**(3) Status of Claims**

Claims 1-20 are pending and finally rejected.

**(4) Status of Amendments**

An amendment removing the Section 112 rejections has been submitted and as indicated by the Advisory Action dated September 12, 2003 has been entered.

**(5) Summary of Invention**

The invention as set forth in, e.g., Claim 1 is a motorized window covering that includes a remote control unit with a transmitter, and an actuator coupled to the window covering. The actuator includes a receiver for receiving at least one signal from the transmitter. A wake-up signal amplifier is electrically connected to the receiver for receiving a wake-up signal having a first frequency, and a data signal amplifier is electrically connected to the receiver for receiving a data signal having a second frequency different than the first frequency, with the data signal carrying information for moving the window covering.

**(6) Issue**

Whether the claims are unpatentable under 35 U.S.C. §103 as being obvious in light of van Dinteren et al. in view of Buccola.

**(7) Grouping of Claims**

The appealed claims are grouped together.

**(8) Argument**

All pending claims (1-20) have been rejected as being unpatentable over van Dinteren et al. in view of Buccola. In marked contrast to the present claims, the primary reference uses only a single data signal to undertake both a wake-up function and a command function, col. 5, lines 50-53, indicating that the signal used by the Schmitt trigger to wake up the circuit is the "first or second signal" referred to at col. 5, lines 4-15 as clearly being the data signal itself. Accordingly, van Dinteren et al. neither teaches nor suggests the use of using a wake-up signal that has a different frequency than the data signal and that as a consequence affords the advantages noted in the present specification on page 11.

Buccola has been used to remedy the above shortfall. The combination of Buccola with the primary reference is improper on two easily understood grounds. First, Buccola is drawn to door locks; the door lock art is not analogous to the window covering art of the present claims. No evidence has been adduced of record that the artisan skilled in the window covering art would logically look to the door lock art, MPEP §2141. Note that the present claims do not presume to cover "power saving methods and systems" generally,

but rather are specifically directed to the art of window coverings. It would be difficult at best to advance, with a straight face, the argument that door locks are analogous to window coverings.

Second and perhaps not surprisingly given their disparate fields, no suggestion exists to combine Buccola with van Dinteren et al. Nowhere does Buccola suggest using its principles in anything other than locking mechanisms, much less does Buccola suggest using any of its disclosure with window covering operating systems. Van Dinteren et al. nowhere suggests using more than one signal in the first place, so why one would be motivated on the basis of van Dinteren et al. to incorporate, in some unknowable fashion, the locking system of Buccola, much less the particular part of it being relied on in the rejection, is a mystery.

Furthermore, the examiner, quite understandably, ventures no attempt to comply with the requirement of MPEP §2143 to explain why a reasonable expectation of success exists in combining a door lock circuit with a window covering operating circuit. How would van Dinteren et al., precisely, be modified to incorporate a door lock circuit? Would the entire circuit of van Dinteren et al. have to be removed and replaced by the door lock circuit of Buccola, thus enabling van Dinteren et al. certainly capable of unlocking a door but not perhaps moving a window covering? If not, and only the relied-upon part of Buccola used in van Dinteren et al., where and how would this unsuggested portion be dropped into the circuit of van Dinteren et al.? Without understanding quite how Buccola could be incorporated into van Dinteren et al., how can a reasonable expectation of success be shown in compliance with the MPEP?

The problem with making a *prima facie* case is further complicated by the fact that the relied-upon teaching of Buccola is sparse indeed. All it states is that two detectors can be provided for receiving respective frequencies, one of which "wakes up" the microprocessor. But nowhere does Buccola teach what

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generates the frequencies, or how the wake up frequency "prepares" the microprocessor for operation, or even that the microprocessor is deenergized until receipt of the wake up frequency. Given this bare hint at how the wake up feature functions in the intended environment of Buccola, it is no wonder that the requisite prior art suggestion is completely absent of just how the opaque teaching of Buccola could be transferred into a completely uncontemplated window covering system.

Respectfully submitted,

  
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#### APPENDIX A- CLAIMS

1. A motorized window covering, comprising:
  - a remote control unit;
  - a transmitter within the remote control unit;
  - an actuator coupled to the window covering;
  - a receiver within the actuator, the receiver receiving at least one signal from the transmitter;
  - a wake-up signal amplifier electrically connected to the receiver for receiving a wake-up signal having a first frequency; and
  - a data signal amplifier electrically connected to the receiver for receiving a data signal having a second frequency different than the first frequency, the data signal carrying information for moving the window covering.
2. The motorized window covering of Claim 1, wherein at least one wake-up signal is transmittable by the transmitter and receivable by the receiver.
3. The motorized window covering of Claim 2, wherein at least one data signal is transmittable by the transmitter and receivable by the receiver.
4. The motorized window covering of Claim 3, wherein the wake-up signal amplifier is energized continuously.
5. The motorized window covering of Claim 4, wherein the data-signal amplifier is de-energized until the wake up signal is received at the receiver.
6. The motorized window covering of Claim 5, wherein the data-signal amplifier is de-energized if the data signal is not received at the receiver within a predetermined time period.
7. A method for controlling a motorized window covering, comprising the acts of:
  - deactivating a data signal amplifier;
  - activating a wake-up signal amplifier; and
  - activating the data signal amplifier to process a data signal to move the window covering only in response to a wake-up signal being received by the wake-up signal amplifier, the wake up signal having a first frequency and the data signal having a second frequency different from the first frequency.
8. The method of Claim 7, further comprising the act of:
  - when a data signal is received at the data signal amplifier, operating the motorized window covering in response thereto.

9. The method of Claim 8, further comprising the act of:  
if a data signal is not received within a predetermined time period, deactivating the data signal amplifier.
10. The method of Claim 7, wherein the wake-up signal is generated by a remote control unit.
11. The method of Claim 8, wherein the data signal is generated by a remote control unit.
12. A system for controlling a motorized window covering, comprising:  
an actuator mechanically coupled to an operator of the window covering;  
a receiver within the actuator;  
a wake-up signal amplifier electrically connected to the receiver for receiving a wake-up signal having a first frequency;  
a data signal amplifier electrically connected to the receiver for receiving a data signal having a second frequency different than the first frequency, the data signal carrying information for moving the window covering; and  
a processor within the actuator, the processor including a program for controlling the actuator in response to at least one data signal.
13. The system of Claim 12, wherein the program includes:  
means for deactivating a data signal amplifier;  
means for activating a wake-up signal amplifier; and  
means for activating the data signal amplifier only in response to a wake-up signal being received by the wake-up signal amplifier.
14. The system of Claim 13, wherein the program further includes:  
means for operating the motorized window covering in response to the data signal being received by the receiver.
15. The system of Claim 14, wherein the program further includes:  
means for deactivating the data signal amplifier if a data signal is not received within a predetermined time period.
16. The system of Claim 12, further comprising:  
means for generating the wake-up signal.
17. The system of Claim 12, further comprising:  
means for generating the data signal.
18. The system of Claim 12, further comprising a head rail supporting a motor of the actuator and holding at least one battery electrically connected to the motor.

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19. The system of Claim 18, wherein the at least one battery is an alkaline or Lithium battery.
20. The system of Claim 18, wherein the at least one battery is the sole source of power for the motor.



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The rejections in the Office Action dated September 2, 2003 are hereby appealed.

Respectfully submitted,

  
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